STANDARD OPERATING PROCEDURE

DURHAM POLICE DEPARTMENT
DURHAM, NC

MANUAL:
3.1
PROCEDURE:
C-15

LICENSE PLATE READERS

Effective Date: **05/09/2016**	Revision Dates:

Purpose

The purpose of this procedure is to establish guidelines for Automatic License Plate Reader (ALPR) deployment, data access, security, storage/retention and sharing, training, supervisory oversight, and auditing and reporting requirements regarding system use and effectiveness.

Policy

It is the policy of the Durham Police Department to utilize technology in the furtherance of law enforcement efforts to locate and apprehend criminal violators. In partnership with the federal Drug Enforcement Agency (DEA), ALPR may be made available to the Special Operations Division. The Interdiction Unit has priority regarding the use of ALPRs. Utilization of ALPR systems shall be in accordance with North Carolina General Statutes Chapter 20, Article 3D, other applicable state and federal laws, and department policy.

Definitions

HIDTA – The High Intensity Drug Trafficking Areas program that provides assistance to law enforcement agencies operating in areas determined to be critical drug-trafficking regions in the United States.

Automated License Plate Reader system (ALPR) - A system of one or more mobile or fixed automated high-speed cameras used in combination with computer algorithms to convert images of license plates into computer-readable data.

Scan File - ALPR generated data including GPS coordinate, date and time of a license plate reading, and any digital photographic images of the license plate and vehicle generated entirely through the use of and by the ALPR equipment.

Hot List – a listing of license plates derived from different law enforcement sources and/or manual entry such as stolen plates, plates on stolen/wanted vehicles, missing person alerts, or any other type of law enforcement matters of interest.

Download - the transfer of hot list data from NCIC or other law enforcement maintained data sources consisting of license plates and associated data.

Alert – a positive indication, by visual and/or audible signal, of a potential match between data on the hotlist and a license plate scanned by the ALPR system.

ALPR Administrator

The SOD Commander will designate an officer assigned as a DEA task force member to serve as the ALPR Administrator for the Department.

The ALPR Administrator is responsible for:

- Determining how the ALPR system will be integrated into the department's investigative functions. They may place additional more specific restrictions, beyond that outlined in this policy, for use of an ALPR system as needed.
- Monitoring the use of ALPR systems to ensure they are being used properly and in accordance with applicable laws, department policies and applicable memoranda of understandings with other agencies.
- Establishing and monitoring user access

The ALPR Administrator may recommend policy changes based on current best practices, court rulings (case law) and/or state laws.

Operator Training

Prior to use, ALPR Operators shall receive training on applicable legal and policy requirements, and practical operation, of the ALPR system. Only officers that have received such training will be authorized to have access to the ALPR equipment. Training shall be provided by the ALPR Administrator, the system vendor or existing ALPR users or other persons/entities authorized to provide training by the ALPR Administrator.

Operator Responsibilities

The ALPR system shall be activated at the beginning of the operator's shift. Officers will, to the best of their ability, use up-to-date information. Any information used from a system that does not automatically update to the officers in car computer will be reviewed at the beginning of the shift to ensure that the data is current. The hot lists may be obtained or compiled from:

- NCIC Stolen Vehicle files;
- NCIC Stolen Plates and Stolen Canadian Plates files;
- NCIC Wanted Persons files;
- NCIC Missing or Endangered Person files;
- NCIC Federal Immigration Violators files;
- NCIC Supervised Release (Federal Probationers) files;
- NCIC Nationwide Domestic Violence Protection Orders files;
- NCIC Violent Gang and Terrorist Organization file;
- NCIC Sexual Offender files;
- DMV records of Suspended Drivers / Habitual Offenders and / or Suspended Registrations;
- DHS terrorism watch lists;
- Official BOLOs or alerts, based on specific and articulable facts of a concern for public/officer safety, or a criminal investigation, or pursuant to a civil order (e.g., PFA or PHA) or official law enforcement bulletin or teletype (e.g., vehicles associated with criminal activity, suicidal, homicidal, missing or wanted persons, AMBER ALERTS, stolen vehicles, or similar vehicles of interest);

- Departmental watch list may be developed for local warrants associated with a vehicle; and vehicles known to be involved in ongoing criminal investigations;
- Records Management System;
- HIDTA-DEA

If the operator receives information in reference to a license plate of interest and the license plate has not yet been listed on the DCI Hot List, the operator may manually enter the plate into the ALPR. The operator is responsible for ensuring that all manually entered license plate data is removed once the need for the entry no longer exist.

The operator shall upon receiving an alert/hit use the displayed information to determine the accuracy and nature of the alert. The operator will visually verify that the plate read and the actual plate are the same (i.e. correct letters, numbers, state and any other information that can be matched). An alert is not conclusive confirmation that a license plate is wanted. Additional investigation is always warranted when an alert is indicated. Law enforcement personnel MUST verify that the information obtained from the alert is accurate. Once verification has been done, the operator shall confirm the status of the alert. The confirmation shall be used as the basis for any further appropriate action.

If an operator utilizes information from the ALPR to initiate a law enforcement contact that results in an arrest or seizure, it will be considered successful use of the system. All successful uses of the system will be reported to the ALPR Administrator as soon as reasonably possible.

ALPR Operators shall exercise safety when operating a mobile ALPR system. Use of any device during the operation of a motor vehicle must comply with current state laws and department policies.

Data Security & Access

Internal access to ALPR data is restricted to designated department personnel for law enforcement or criminal justice purposes.

The ALPR Administrator or the SOD Division Commander will determine department personnel authorized to have access to the database as needed for investigative purposes. Upon notification that a user no longer requires access to the system the ALPR Administrator will remove that user's access.

Authorized users will be provided with a user name and password and will be prompted by the system to change their password. Security of the extracted NCIC files will be consistent with applicable federal and state laws, and rules and regulations, pertaining to the use of information from those databases, and will be the responsibility of each operator.

The ALPR-generated data related to criminal investigations or intelligence information is not a public record. Data shall not be disclosed except to a federal, state or local law enforcement agency, upon written request, for a legitimate law enforcement or public safety purpose. Written requests may be in electronic format. Requests may be denied if it is determined that disclosure to the requesting agency may compromise an ongoing investigation. Requests for data over 90 days old can be made through the Houston HIDTA.

Any requests by Durham Police Department personnel for access to or preservation of data from ALPR systems operated by other State or local law enforcement agencies in North Carolina shall comply with the requirements in N.C.G.S. § 20-183.24. Obtaining, accessing or disclosing ALPR data for any purpose or by any means not authorized by this policy, or as otherwise required by law, is strictly prohibited. Under no circumstances may captured plate data be sold.

Data Storage & Retention

The Durham Police Department does not maintain or store any ALPR data. A law enforcement agency requesting the preservation of captured plate data must make a preservation request to the DEA.

Evaluation & Review

The ALPR Administrator will conduct a semi-annual audit of the ALPR system. The audit will include:

- Documented review of user access records. Inactive users will be evaluated and access will be discontinued if it is no longer needed.
- Documented review of successful uses of the system.
- Documented verification that information is current.
- Documentation of any training conducted during the audit time period.

Once completed, the Audit will be forwarded to the Chief of Police through the Chain of Command. The ALPR Administrator will maintain a copy of each audit for a minimum of three years.

Maintenance

Software maintenance and calibration is conducted during system updates. System hardware does not require preventative maintenance or calibration. If an operator encounters a malfunction of either the system hardware or software, the problem will be reported in writing to the ALPR Administrator without delay. Upon notification the ALPR Administrator will contact the vendor and schedule appropriate repairs. If the repairs require the system to be taken out of service, authorized users will be notified of both the removal from and return to service. Maintenance and calibration records will be maintained for the life of the system.